



## **Board of Health Agenda**

Date: August 14, 2019

Time: 5:30 PM

Location: Ground Floor Conference Room

1. HEARING:

Keeping of Hens - 14 Ryder Street

2. DISCUSSION:

CBD Regulation

Adjourn



## Town of Arlington, Massachusetts

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### Keeping of Hens - 14 Ryder Street

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	14_Ryder_St_Hens_Application.pdf	14 Ryder Street Application
▢	Reference Material	Rodent_Memo.pdf	Rodent Memo Beck and Ryder



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

## KEEPING OF HENS SITE PLAN REVIEW APPLICATION

*These guidelines are not final requirements. The Board of Health may require additional information based on the type and location of operation.*

Plan Review Fee: \$150.00 (checks made payable to: Town of Arlington)

For office use only: Date/time application received: 4/22/19 Received by: PM  
(BOH Staff)

APPLICANT NAME: Nicole Weber

APPLICANT ADDRESS: 14 Ryder St

CONTACT NUMBER: (617) 407-3137

CONTACT EMAIL: Weberphin@gmail.com

### Keeping of Hens Application Process Summary

1. Submit this Site Plan Review Application to Health Department with check for \$150.
2. Health Department reviews application and conducts site walk.
3. After plan review and site walk, a meeting date with the Board of Health is set. The applicant will notify all abutters at least 14 days but no more than 30 days prior to the hearing, of their intent to keep hens and the BOH hearing date, time and location. Abutters shall include both owners and tenants. The applicant shall provide verification of notification in the form of a signed letter or USPS receipt that a certified letter has been received.
4. A meeting with the Board of Health is held and a decision made to approve or deny application based upon all requirements set forth in town bylaw.
5. Once approved by the Board of Health, the applicant is required to submit an Application for Annual Permit to Keep Hens to the Health Department with a check for \$100 and the applicant will be permitted to construct coop and pen.
6. A final inspection is conducted once coop and pen have been constructed and final approval to keep hens is granted.
7. An annual permit to keep hens is required through the Health Department expiring April 1st of every year. A renewal permit must be obtained. Permit holders that fail to renew their keeping of hens permit prior to April 1st are subject to a \$100 reinstatement fee.
8. An annual inspection will be conducted by the Health Department. Failure to meet requirements set forth in the town bylaws may result in a re-inspection fee of \$100 and a hearing with the Board of Health to determine whether permit should be revoked, suspended, or subject to further conditions.

### CIRCLE/ANSWER THE FOLLOWING QUESTIONS:

Is the applicant the sole owner of the property where hens will be kept?

YES NO

If no, please provide signed written statements from all property owners granting permission for the keeping of hens.

What is the size of the property lot in square feet? 6339 sq ft

## **I. HENHOUSE / PEN:**

### **1. Location**

- a. Will the henhouse/pen enclosure be in the rear yard of the property? YES/NO
- b. Will the henhouse/pen enclosure be at least six (6) feet from all property lines? YES/NO
- c. Will the henhouse/pen enclosure be at least 25 feet from existing residences on adjacent lots? YES/NO
- d. Will the henhouse/pen enclosure be located at least 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, and at least 50 feet from any well? YES/NO
- e. Will the henhouse/pen enclosure conform to all relevant property setbacks for accessory structures as specified in sections 6.18 and 8.23 of the zoning bylaws? YES/NO
- f. Will the henhouse/pen enclosure interfere with any utility or other feature of the property that needs suitable access? YES/NO
- g. Will the henhouse/pen enclosure be located in a well-drained area that does not discharge to a public way or neighbor's property? YES/NO
- h. Please provide a certified plot plan depicting all of the following: all structures on property, all structures on abutting properties, and proposed locations of the henhouse/pen enclosure, composting/manure storage and food storage.

### **2. Construction**

- a. Will the henhouse enclosure provide a minimum interior floor surface of at least two (2) square feet per bird? YES/NO
- b. Will the pen enclosure provide a minimum ground surface of at least five (5) square feet per bird? YES/NO
- c. Will the henhouse/pen enclosure be securely constructed in a manner that excludes predators and pests, including those that fly, burrow and reach? YES/NO
- d. Will the pen enclosure have a predator and pest proof material across the top? YES/NO
- e. Will the henhouse provide protection from the elements as needed? YES/NO
- f. Will the henhouse be constructed in such a manner and with such materials that allow for effective weekly cleaning? YES/NO
- g. Please provide a separate detailed description of the henhouse/ pen enclosure, including square footages and photographs if possible.

### 3. Maintenance

a. Will the feed be securely stored in a rodent and pest proof container?

YES/NO

b. Will the feed leftover from feeding remain in an area accessible to rodents and pests past dusk?

YES/NO

c. If weather is too cold, or composting is otherwise not possible, will there be a sealable container for waste to be stored until disposal?

YES/NO

d. If composting is possible, how and where will waste be composted with carbonaceous material such as hay, bedding, or leaves? Please identify composting/ manure storage location on required certified plot plan.

Right corner of property - in compost bin.

e. What measures will be taken to prevent the buildup of pests or rodent populations due to the presence of hens on the property?

I have two dogs and plan to get a pest tight coop. The chicken run will be enclosed in wire, and the wire will go deep in the ground. Hand woven cloth will be used as wire. I will also install a motion detector light.

f. Please provide a separate detailed written maintenance plan describing the following: cleaning practices and schedule for the henhouse/pen enclosure and feed and water containers, which anti-bacterial/viral cleaning solution will be used, which bedding material will be used in the henhouse and at which depth it will be provided, how frequently the bedding material will be composted, and any other appropriate nuisance (odor & noise) prevention measures that will be taken.

## II. HENS:

### 1. Hen keeper

a. Will the hen keeper be taking, or has the hen keeper taken, a class in keeping hens? YES/NO  
If yes, please provide a copy of a certificate of completion from a hen-keeping course.

→ I am a biologist, and have researched how to care for chickens.

b. Will there be a knowledgeable person in charge to care for hens during vacations or extended leaves?

YES/NO

## 2. Source

a. What type of hens and how many hens will you be keeping?

3-6 Cochins

b. Will the hens be acquired from S. pullorum clean sources from National Poultry Improvement Plan (NPIP) participants? YES ☒ NO

c. Where will the hens be acquired from and what documentation will be provided?

A friend and no paperwork.

## 3. Health & Disease Concerns

a. Will the hens be vaccinated from any communicable diseases?

☒ YES ☐ NO

If yes, from what? Not sure yet - will talk to my vet.

b. Will newly acquired hens be isolated from healthy resident birds?

☒ YES ☐ NO

If yes, where and for how long? 3 weeks

c. Will the hens be separated from wild migratory fowl at all times?

☒ YES ☐ NO

d. What will be done with a hen if it dies? it will be disposed of in a sanitary manner.

### To complete this application the following materials must be provided:

- ☐ Copy of list of property abutters obtained from Town of Arlington Assessors Office
- ☒ If applicant is not sole property owner, signed written statements from all property owners granting permission for the keeping of hens
- ☐ Plot plan drawn to scale depicting all of the following: all structures on property, all structures on abutting properties, proposed locations of the henhouse/pen enclosure, composting/manure storage and food storage, and distance of henhouse and pen from property lines and existing adjacent residences. The BOH reserves the right to require the applicant to provide a plot plan certified by a professional engineer or land surveyor to resolve any questions or disputes relating to the conformance of the placement of the henhouse and pen with any and all relevant property setbacks and zoning bylaw requirements.
- Written maintenance plan and description of henhouse/pen enclosure
- Copy of certificate of completion from a hen-keeping course if applicable
- After a BOH hearing date has been set, submit a copy of signed letter or receipt from USPS that a certified letter has been received by each abutter informing them of your application to keep hens and notifying them of the BOH hearing date, time and location. Abutters include both property owners and tenants.

I have read the town bylaws regarding the keeping of hens and understand the requirements as outlined. I understand failure to comply with the requirements of the town bylaws and failure to prevent a public health nuisance may result in revocation of my Permit to Keep Hens.

Signature:  Date: 04-15-2017

-----Office use only-----

Board of Health Meeting Date Assigned: \_\_\_\_\_

## Application Addendum Information

### Pen Enclosure Description/Plan:

The pen will be built as the picture below (following the recommendations of the original build (see video)). I will be having an enclosed chicken run, and will have the hardware cloth going into the ground to alleviate pest access. The coop will be approximately 4X4 on the inside with a run that extends under the coop for shade with an approximate size of 6x6.

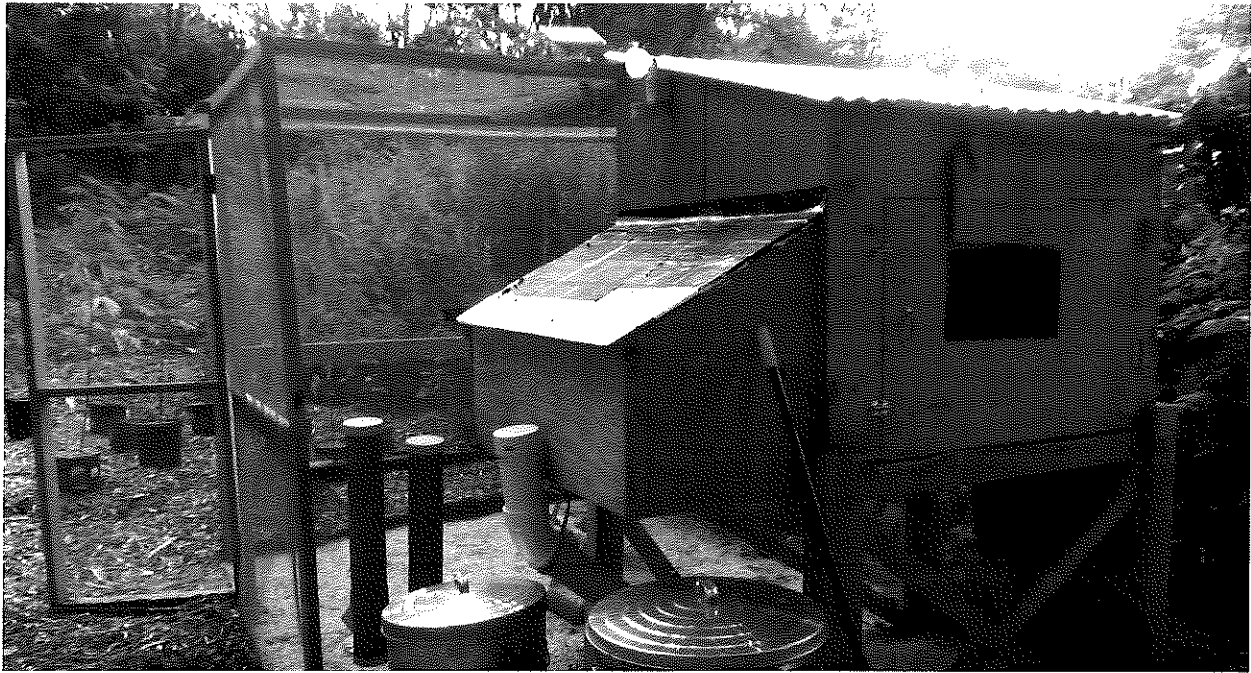


Image 1. See "Most Efficient Chicken Coop Tour Video

<https://www.youtube.com/watch?v=qMsFhV1jhCE>

### Pen Location:

The 14 Ryder Street lot is 6339 sq ft, and abuts 18 Ryder, 2 Ryder, 17 Beck, 39-41 Forest, and 38 Forest. The proposed location is in green (see Image 2). Secure food storage will be close to the coop within a smaller shed.

### Maintenance Plan

Cleaning Practices will follow the video shown above, using a pine shaving layering method, and will be replaced monthly. The feed and water containers will also follow the videos suggestions, in using PVC pipe to hold the food and water. A bi-yearly cleaning will also be done.



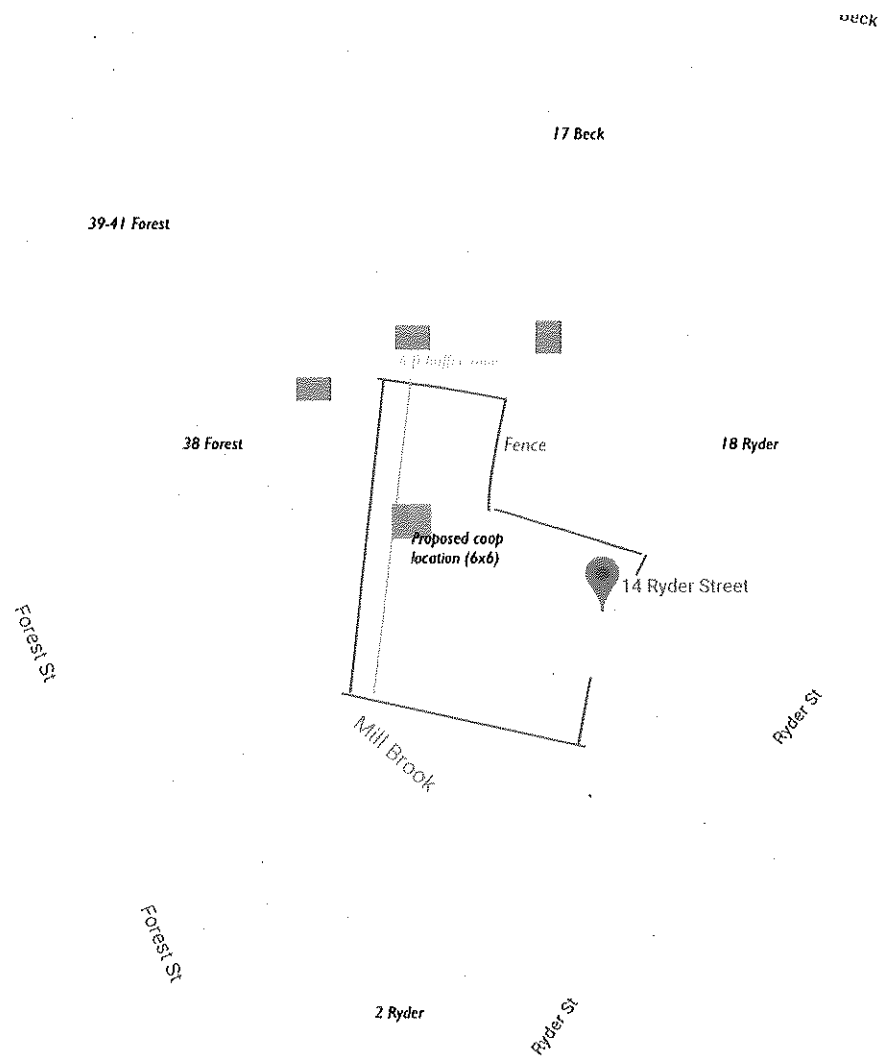


Image 2.

**From:** Nicole Webber <weberphin@gmail.com>  
**To:** Padraig Martin <PMartin@town.arlington.ma.us>  
**Date:** 06/11/2019 12:02 PM  
**Subject:** FW: Keeping og Hens Application

---

Pat,  
Per our conversation on Monday, I will be shifting the maintenance to removing the soiled bedding once a week. I have also dropped by the Mill Brook Vet Clinic, and they said they could both euthanize and properly dispose the hen if needed.  
They do not however vaccinate, so I left a message with the Angel in Boston to see what they recommend.  
Thank you, Nicole

**From:** Nicole Weber <weberphin@gmail.com>  
**Date:** Monday, May 13, 2019 at 8:18 PM  
**To:** Padraig Martin <PMartin@town.arlington.ma.us>  
**Subject:** Re: Keeping og Hens Application

Pat,

Here you go...

1. Where will the hens be acquired? A colleague that I work with. She has raised Bearded Belgium Mille Fleuar D'ucdle and has offered some to me.
2. Where will you isolate newly acquired hens from resident birds? In a smaller cage in a separate room.
3. What manor of disposal will be used if a hen dies? I will bring the hen to my local vet (Mill Brook) to dispose of.
4. Please provide an official list of abutters from the Assessors Office. Attached.
5. Please provide a written maintenance plan and description pf henhouse/pen enclosure.

#### Hen House:

The coop will be built from existing wood that will be retrofitted (similar to video link) to include the following:

- The coop will be at least 6' from any adjacent property line.
- The coop will sit on top of concrete blocks or wood stilts for stability, and allow the chickens to rest under the coop in the rain.
- The dimensions of coop will be approximately 4X4 on the inside with two roosts to allow for chicken comfort, sleeping etc..
- Openings for ventilation will be fortified with hardware cloth, preventing critters, as well a sloped roof preventing entry of water.
- A polymer linoleum-type material for the floor, facilitating cleaning. This lining will extend up the walls about 12" as well, preventing rotting of the floor and making cleaning easier. Assessable through a large door to access and create a layer of pine shavings with the deep layer method.
- Two nesting boxes will be accessible from the inside the coop.
- A robust metal trashcan filled with feed may be stored inside the coop, closed with a heavy duty bungee chord.
- Effort will be made to prevent the inside of the coop from getting wet or exposed to extreme wind, while also maximizing adequate ventilation.
- Any potential entry, such as the layer boxes or doors, will be lockable, preventing entry via possums. Also wire cloth will be used and buried in the ground to prevent entries from predators.

#### Maintenance:

A critter proof compost bin will be located next to the chicken coop, outside the

coop. A metal garbage can.

- The entire coop will be cleaned every other week, entailing removing all the soiled bedding and adding to the compost bin, and reapplying new bedding.
- Carbon rich material will be used to balance the nitrogen-rich manure. Sawdust and saved autumn leaves will be used to mix with the manure in the compost bin, and pine chips and/or straw will be used inside the coop as bedding, also helping to minimize odor and keep a proper carbon/nitrogen balance. The depth of bedding will be around 2" year round, slightly higher over winter.
- The interior floor of the chicken coop will be made of linoleum-type material, facilitating cleaning. Each time the coop is cleaned, the coop's base will be cleaned with a diluted vinegar solution, along with all the feeders/waterers.
- The waterer and feeder will be raised coming off the coop so they're slightly over the ground, helping to minimize spilling. Once a week, the feeder and waterer will be cleaned with hot water and a vinegar solution.
- Feeding, watering, and egg collection will occur daily.
- All chickens, up to 6 at one time, will be female, excluding any possibility of roosters.

6. Can you describe your composting plans in greater detail. Specifically what materials do you compost and what type of compost bin do you use. How frequently will you compost bedding from the henhouse?

I will use a three bin system, where the bedding is removed and mixed with carbon rich material (to minimize odor) in one bin and build for a month, then I will move to the second bin and rotate out every 30 days. The heat will kill harmful microbes, and the compost will be use on flower beds.

See you in the morning, Nicole

**From:** Padraig Martin <PMartin@town.arlington.ma.us>

**Date:** Friday, May 3, 2019 at 8:55 AM

**To:** <Weberphin@gmail.com>

**Subject:** Keeping og Hens Application

Hello Nicole,

Attached please find a recent application with supporting materials that was approved by the Board of Health.

After reviewing your application, I have a few questions.

1. Where will the hens be acquired?
2. Where will you isolate newly acquired hens from resident birds?
3. What manor of disposal will be used if a hen dies?
4. Please provide an official list of abutters from the Assessors Office.
5. Please provide a written maintenance plan and description pf henhouse/pen enclosure.
6. Can you describe your composting plans in greater detail. Specifically what materials do you compost and what type of compost bin do you use. How frequently will you compost bedding from the henhouse?

Once I have all of the information requested the next step will be to schedule a site walk of the proposed henhouse/pen location on your property.

Please feel free to reach out with any questions or concerns.

Thank-you,

Pat

Padraig Martin, REHS  
Lead Health Compliance Officer  
Town of Arlington  
27 Maple Street  
Arlington, MA 02476  
781-316-3170





Office of the  
Board of Assessors  
Robbins Memorial Town Hall  
Arlington, MA 02476  
(781) 316-3050  
Assessors@town.arlington.ma.us

**Abutters List**

Date: May 13, 2019

Subject Property Address: 14 RYDER ST Arlington, MA  
Subject Property ID: 57-2-7.B

Search Distance: Direct Abutters-Keeping of Hens

The Board of Assessors certifies the names and addresses of requested parties in interest, all abutters to a single parcel who are direct abutters.

Three handwritten signatures in black ink are stacked vertically. The top signature appears to be "Kevin C. Freely", the middle one "Robert E. Greeley", and the bottom one is a stylized signature, possibly "D. Freely".

---

**Board of Assessors**

# Abutters List

Date: May 13, 2019

Subject Property Address: 14 RYDER ST Arlington, MA

Subject Property ID: 57-2-7.B

-----  
✓ Prop ID: 57-2-3  
Prop Location: 17 BECK RD Arlington, MA  
Owner: MARADIANOS PETER  
Co-Owner:  
Mailing Address:  
17 BECK RD  
ARLINGTON, MA 02476  
-----

Y Prop ID: 57-2-7.A  
Prop Location: 35 FOREST ST Arlington, MA  
Owner: XUE CHENGHAI  
Co-Owner: ZHANG LEI  
Mailing Address:  
35 FOREST ST  
ARLINGTON, MA 02476  
-----

Ⓢ Prop ID: 57-2-7.B  
Prop Location: 14 RYDER ST Arlington, MA  
Owner: WEBER NICOLE R  
Co-Owner:  
Mailing Address:  
14 RYDER ST  
ARLINGTON, MA 02476  
-----

✓ Prop ID: 57-2-7.C  
Prop Location: 18 RYDER ST Arlington, MA  
Owner: DESHPANDE NAREN/ANUJA  
Co-Owner:  
Mailing Address:  
18 RYDER STREET  
ARLINGTON, MA 02476  
-----

✓ Prop ID: 57-2-8.A  
Prop Location: 23 FOREST ST UNIT A Arlington, MA  
Owner: ERICKSON KAREN  
Co-Owner: TAYLOR THOMAS  
Mailing Address:  
23 FOREST STREET #A  
ARLINGTON, MA 02476  
-----

✓ Prop ID: 57-2-8.B  
Prop Location: 23 FOREST ST UNIT B Arlington, MA \* extra  
Owner: TEE ALEXANDER K  
Co-Owner:  
Mailing Address:  
2 RYDER STREET UNIT B  
ARLINGTON, MA 02476  
-----

-----  
Prop ID: 57.A-2-39

Prop Location: 39 FOREST ST UNIT 39 Arlington, MA

X Owner: KAMINISHI IKUMI

Co-Owner:

Mailing Address:

39 FOREST ST UNIT 39

ARLINGTON, MA 02476  
-----

X Prop ID: 57.A-2-39.A

Prop Location: 39 FOREST ST UNIT 39A Arlington, MA

Owner: SANTIAGO ADALBERTO

Co-Owner: BRIN ERIKA L

Mailing Address:

39 FOREST ST UNIT 39A

ARLINGTON, MA 02476  
-----

X Prop Location: 41 FOREST ST UNIT 41 Arlington, MA

Owner: GAIKWAD VIKAS B

Co-Owner:

Mailing Address:

41 FOREST ST UNIT 41

ARLINGTON, MA 02476  
-----



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June 1<sup>st</sup>, 2019

Nicole Weber  
14 Ryder Street  
Arlington, Ma 02476

Dear Neighbor,

Three is a charm, right? Here is the update.... The Board of Health hearing is scheduled for June 19<sup>th</sup> at 5:30 PM in the Mural Room of the Arlington Senior Center (27 Maple Street). Thank you and we look forward to sharing eggs soon.

Have a wonderful weekend. Nicole

May 21<sup>th</sup>, 2019

So, I bet you realized my day count was off... so my hearing will be next month. Sorry for the mix up. I will be sending you another letter in about a week. Oh man... this is fun!

Enjoy the sunny weather.  
Thank you, Nicole

May 13<sup>th</sup>, 2019

Hi, my name is Nicole and we are your new neighbors. ☺ The reason I'm writing you is because we're planning on installing a small henhouse an enclosure area for keeping a handful of hens in the back of our yard. The area will be setback from the property line and away from any structures, the hens will be quiet (no roosters present), and there is a thorough plan of maintenance in play as well. There is currently a Board of Health hearing scheduled for approval of this on May 22 at 5:30 PM in the Mural Room of the Arlington Senior Center (27 Maple Street). Under Arlington regulations I am required to notify all abutters of our property at least 14 days prior to this meeting.

So if you have any questions, feel free to contact me... either by phone or email listed below.

We look forward to getting to know you, and hope to share some fresh eggs with you soon.

Thank you,

Nicole Weber and Family  
[weberphin@gmail.com](mailto:weberphin@gmail.com)  
617.407.3137



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

To: Board of Health  
From: Kylee Sullivan, Health Compliance Officer  
Date: August 8, 2019  
RE: Beck Road/ Ryder Street- Rodent Activity Summary

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As a follow up to concerns about rodent activity brought forth by residents during the last Board of Health Meeting held on June 19, 2019, Health Compliance Officers Padraig Martin and Kylee Sullivan conducted inspections of six residential properties in the Beck Road/Ryder Street area. Plain view inspections were conducted and conversations were had with commercial businesses in the area as well.

During residential inspections, properties were inspected for signs of rodent activity and conditions that may be contributing to or, in the future could contribute to, rodent activity. Additionally, inspectors educated residents about rodents through conversation and hand-outs. Of the six residential properties inspected, it appeared that rats were burrowing on two properties and were traveling through two others. There were no signs of activity on the final two properties. Each property owner was provided recommendations for reducing/preventing activity on their property. At 14 Ryder Street – the property applying for a Keeping of Hens permit, inspectors did not observe signs of rodents living on the property. There were a few runways along the property's fence but that was the extent of activity observed. A few property maintenance recommendations were made to reduce/prevent activity.

Through plain-view inspections of commercial property and the Bike Path, there did not appear to be rats burrowing in these areas. Business owners were receptive to conversations about rodents and agreeable to maintaining their businesses in a sanitary manner.



## Town of Arlington, Massachusetts

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### CBD Regulation

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	CBD_draft_regulation_4.23.19.pdf	CBD Draft Regulation

# REGULATION TO ENSURE THE SANITARY AND SAFE SALE OF CANNABIDIOL

## A. Statement of Purpose and Authority:

Whereas G.L. c. 128, §§116 – 123 permits the growing of hemp for commercial purposes and designates the Massachusetts Department of Agricultural Resources (MDAR) as the regulatory authority;

Whereas MDAR requires that until the agency enacts regulations, hemp products grown and processed in Massachusetts must obtain a license issued by MDAR unless otherwise authorized by federal law, and these products must be tested by an approved Massachusetts independent laboratory or a federally approved laboratory to determine that the THC and pesticide levels are within the standards set by MDAR;

Whereas, the Massachusetts Supreme Judicial Court has held that “. . . [t]he right to engage in business must yield to the paramount right of government to protect public health by any rational means.”<sup>1</sup>

Therefore, in furtherance of its mission to protect, promote and preserve the health and well-being of all [city/town] residents and pursuant to the authority granted to it pursuant to G. L. c. 111, §31, the [city/town] Board of Health enacts a Regulation to Ensure the Sanitary and Safe Sale of Cannabidiol.

## B. Definitions:

Unless otherwise indicated, terms used throughout this regulation shall be defined as they are in 935 CMR 500.000 and G.L. c. 94G, §1 and G.L. c 128, §116. In addition, for the purposes of this regulation, the following words shall have the following meanings:

Board of Health: The [city/town] Board of Health and its designated board of health agents.

Board of Health Agent: The Director of Public Health and any town employee designated by the board of health, which may include board of health and health department staff, law enforcement officers, fire officials and code enforcement officers.

Business Agent: An individual who has been designated by the owner or operator of any adult-use marijuana establishment to be the manager or otherwise in charge of said establishment.

Cannabidiol (CBD): One of hundreds of cannabinoids in cannabis plants. CBD is nonintoxicating.

Edible Hemp/CBD products: A hemp or CBD product that is to be consumed by humans by eating or drinking.

Hemp: The plant of the genus cannabis and any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol (THC) concentration that does not exceed 0.3 per cent on a dry weight basis or per volume or weight of marijuana product or the combined per cent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content, or any product labelled as “Hemp” with the exception of products labelled “hulled hemp seeds”, “hemp seed protein” and “hemp seed oil”.

Minimum Legal Sales Age: The age an individual must be before that individual can be sold a CBD product in the municipality.

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<sup>1</sup> Druzik et al v. Board of Health of Haverhill, 324 Mass. 129 (1949).

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind, including, but not limited to an owner, operator, manager, proprietor or person in charge of any establishment, business, cultivation property or retail store.

Self-Service Display: Any display from which customers may select CBD infused or CBD infused edible products product without assistance from an establishment.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes CBD infused or CBD infused edible products.

### **C. CBD/Hemp Products and Sales:**

1. No person shall sell CBD or Hemp products without demonstrating the following:
  - a. The products come from an approved source licensed either by MDAR or equivalent.
  - b. The products have been tested by a Massachusetts approved independent laboratory or a federally approved independent laboratory and confirm that the products do not contain more than 0.3 per cent of THC and are pesticide free.
  - c. “Hulled hemp seeds”, “hemp seed protein” and “hemp seed oil” are exempt.
  - d. Any medication approved by the Federal Food and Drug Administration, including Epidiolex is exempt from this regulation.
2. No person shall sell Hemp/CBD infused products, including edible Hemp/CBD products to a person under the minimum legal sales age of 21.
3. All self-service displays of Hemp/CBD infused products, including edible Hemp/CBD products are prohibited.
4. All vending machine sales of Hemp/CBD infused products, including Hemp/CBD products are prohibited.

### **D. Compliance with All Laws:**

1. All cultivation, processing, manufacturing, delivery, sale and use of CBD shall be conducted in compliance with all state and local laws, ordinances, regulations or policies. Violation of any such law, not including federal or state laws relating to CBD, shall constitute a violation of this regulation and be subject to the fines and penalties described herein. Nothing in this regulation gives any immunity under federal law or state law or poses an obstacle to federal enforcement of federal law or state enforcement of state law.

### **E. Enforcement and Penalties:**

1. Any person or entity charged with violating any provision of this regulation shall receive a notice of violation from the **[city/town]** Board of Health or its designated agent. Unless an appeal of such violation is waived by any person or entity charged, the Board of Health shall conduct a hearing to determine the facts of the violation.
2. It shall be the responsibility of the establishment owner and/or his or her manager or business agent to ensure compliance with all sections of this regulation. In the case of a violation, the violator shall receive:
  - i. In the case of a first violation, a fine of one hundred dollars (\$100.00).
  - ii. In the case of a second violation within 24 months of the current violation, a fine of two hundred dollars (\$200.00).
  - iii. In the case of three or more violations, a fine of three hundred dollars (\$300.00).
3. Authority to inspect establishments for compliance and to enforce this regulation shall be held by the **[city/town]** Board of Health and its designees and the **[city/town]** Police Department.  
**[Check with Police Chief prior to adding this provision.]**
4. Any person may register a complaint pursuant to this regulation to initiate an investigation and enforcement with the **[city/town]** Board of Health and its designees.
5. Violations of this regulation may be enforced by the non-criminal method of disposition as provided in G.L. c. 40, § 21D and as enabled pursuant to the **[city/town]** enabling **[ordinance/bylaw]**.
6. Each day a violation exists shall be deemed to be a separate offense.

#### **F. Variances:**

1. A variance from this regulation may be requested in writing to the **[city/town]** Board of Health.  
**[Think carefully before adding a variance provision.]** A variance may be granted by the Board of Health after a hearing at which time the applicant establishes the following:
  - a. Strict enforcement of this regulation would do manifest injustice; and
  - b. The granting of a variance shall not in any way impair the public health and safety or the environment.
2. The Board of Health may impose any conditions, safeguards and other limitations on a variance when it deems it appropriate to protect the public health and safety or the environment.

#### **G. Severability:**

If any provision of this regulation is declared invalid or unenforceable, all other provisions shall not be affected thereby but shall be in full force and effect.



**H. Effective Date:**

This regulation shall take effect immediately upon passage by the Board of Health.

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Dated: \_\_\_\_\_

DRAFT